

## ROUTING AND RECORD SHEET

SUBJECT: On file. DOD&OMB release instructions apply.

STATINTL

<b>FROM:</b> <div style="border: 1px solid black; width: 100px; height: 20px; margin: 5px 0;"></div> Office of Legislative Counsel 7D35 Headquarters		<b>EXTENSION</b>  6136	<b>NO.</b> 02C - 710447 <hr/> <b>DATE</b> 16 June 1971		
<b>TO:</b> (Officer designation, room number, and building)	<b>DATE</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">RECEIVED</th> <th style="width: 50%;">FORWARDED</th> </tr> </table>	RECEIVED	FORWARDED	<b>OFFICER'S INITIALS</b>	<b>COMMENTS</b> (Number each comment to show from whom to whom. Draw a line across column after each comment.)
RECEIVED	FORWARDED				
1. NIPE	✓		<p>Attached is a proposed report from the Dept. of Defense to Chairman Hebert of the House Armed Services Committee concerning H. Con. Res. 79, a copy of which is also attached.</p> <p>The Office of Management and Budget is requesting the views of State, the National Security Council, and this Agency with respect to Defense's proposed report before clearing it for transmittal to Chairman Hebert.</p> <p>Please let us know if it would not be convenient for you to provide your views by 30 June.</p> <p>As you may know, the attached Concurrent Resolution is merely the expression of the sense of Congress and as such would not be submitted to the President for approval.</p>		
2. <i>ESA</i> /DDP	✓				
3. OGC	✓				
4. DDS&T Attn: <div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block;"></div>	✓				
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EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

JUN 9 1971

OLC 71-0447

LEGISLATIVE REFERRAL MEMORANDUM

To: Legislative Liaison Officer

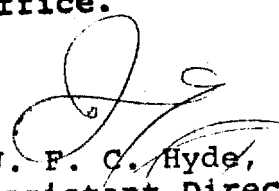
Department of State  
Central Intelligence Agency ✓  
National Security Council

Subject: Defense Department's report on H. Con. Res. 79  
"Expressing the sense of Congress with respect  
to the protection that should be provided ships  
and planes of the Armed Forces of the United  
States sent on intelligence gathering missions."

The Office of Management and Budget would appreciate  
receiving the views of your agency on the above subject  
before advising on its relationship to the program of the  
President, in accordance with Budget Circular A-19.

- ( X ) To permit expeditious handling, it is requested  
that your reply be made within 30 days.
- ( ) Special circumstances require priority treatment  
and accordingly your views are requested by

Questions should be referred to Ralph Rasmussen  
(103x3664 ) or to Ralph Burr (103x4710 ),  
the legislative analyst in this office.

  
J. F. C. Hyde, Jr., for  
Assistant Director for  
Legislative Reference

Enclosures

*Hello Wister*



**GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE**

WASHINGTON, D. C. 20301

Honorable F. Edward Hebert  
Chairman, House Armed Services  
Committee  
House of Representatives  
Washington, D. C. 20515

Dear Mr. Hebert:

Reference is made to your request for the views of the Department of Defense on H. Con. Res. 79, "expressing the sense of Congress with respect to the protection that should be provided ships and planes of the Armed Forces of the United States sent on intelligence gathering missions."

The resolution would resolve it to be the sense of the Congress "that no manned ship or plane of the Armed Forces of the United States should be sent into danger areas on an intelligence gathering mission without adequate protection against attack or capture by foreign armed forces."

The sense of the Congress conveyed in H. Con. Res. 79 is generally in accord with the views of the Department of Defense. Planning for peacetime intelligence gathering missions always includes consideration of the degree of risk to the operators. Commanders are acutely aware when such operations are conducted within their areas of responsibility and, where operationally feasible, assign escorts as necessity and experience dictate or when so directed by higher authority. It should be recognized, however, that it is impossible to prevent attacks by determined foreign armed forces on US Armed Forces engaged in lawful peacetime missions. We can minimize the risk of such attacks and their effects if they are carried out. We believe, therefore, that this objective is the appropriate focus for a congressional resolution.

For these reasons the Department of Defense would favor the passage of the resolution if amended to read as follows:

"That is is the sense of Congress that no manned ship or plane of the Armed Forces of the United States should be sent on a peacetime intelligence gathering mission without appropriate measures to minimize the risk and effects of attack by foreign armed forces."

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

J. Fred Buzhardt

92D CONGRESS  
1ST SESSION

# H. CON. RES. 79

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 22, 1971

Mr. SIKES submitted the following concurrent resolution; which was referred  
to the Committee on Armed Services

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## CONCURRENT RESOLUTION

- 1      *Resolved by the House of Representatives (the Senate*  
2      *concurring)*, That it is the sense of Congress that no manned  
3      ship or plane of the Armed Forces of the United States  
4      should be sent into danger areas on an intelligence gathering  
5      mission without adequate protection against attack or capture  
6      by foreign armed forces.

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92<sup>d</sup> CONGRESS  
1<sup>ST</sup> SESSION

## H. CON. RES. 79

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### CONCURRENT RESOLUTION

Expressing the sense of Congress with respect to the protection that should be provided ships and planes of the Armed Forces of the United States sent on intelligence gathering missions.

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By Mr. SIKES

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JANUARY 22, 1971

Referred to the Committee on Armed Services

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